

Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Katy Allen
Sara L. Hensley
Carl W. Mosher

SUBJECT: SEE BELOW

DATE: 08-01-05

Approved



Date

8/4/05

Council District: 3

**SUBJECT: MASTER AGREEMENT FOR ENVIRONMENTAL CONSULTANT
SERVICES FOR WATSON COMMUNITY PARK**

RECOMMENDATION

Adoption of a resolution authorizing the Director of Public Works to select a consultant and negotiate and execute a Master Agreement for Environmental Consultant Services for Watson Community Park for a duration of up to 24 months from the date of execution in an amount not to exceed \$800,000.

CEQA: Exempt, File No. PP05-156.

BACKGROUND

In May 2004, construction began on the Watson Skatepark. In June 2004, soil excavation uncovered burned refuse, and subsequent testing revealed elevated levels of various soil contaminants, primarily arsenic and lead. Consequently, construction was suspended, excavated soil disposed of offsite and the excavated area was covered with clean soil and gravel in Fall 2004. A community meeting was held in September 2004 to advise the community that the project was being suspended.

Discovery of the burned refuse and the soil contaminants indicated that the City should perform further testing. Using an existing master agreement, the City entered into a service order with Denise Duffy and Associates in January 2005 to: 1) complete a site history, 2) conduct surface soil quality evaluation, and 3) prepare a screening level health risk appraisal. Denise Duffy subcontracted with Lowney Associates to assist in performing the work.

The site history revealed that the site was used by local residents as a landfill and garbage burn site from 1900 to 1930, then served as either vacant land and/or agricultural lands until becoming a City park approximately 40 years ago. Since records on landfills in early years were not well

kept and many current regulations were not in place at the time, the site was not listed in the solid waste landfill sites database. The site has now been reported to the Local Enforcement Agency (LEA), a division in the Department of Planning, Building and Code Enforcement (PBCE) that enforces State laws and regulations related to landfills, and to the Department of Toxic Substances Control (DTSC) which regulates hazardous waste disposal sites. The site is now included in the State's closed landfill database. The second round of testing found additional areas of the park with elevated levels of soil contaminants. The screening level health risk appraisal indicated no immediate human health risk to park visitors.

A second community meeting was held on May 25, 2005 to inform park users of the results of the additional testing and to announce the implementation of the following precautions in areas where elevated levels of soil contaminants had been found: 1) the community gardens activities were suspended pending further testing for contaminants and assessing the clean cap between the surface and refuse, and 2) a fence erected around the soccer field at Jackson and 22nd Streets while turf renovation was being conducted would remain up until further testing and proper mitigation could be identified. The community was also advised that 1) further testing would be performed in the community gardens, play lots, dog park and tree bank areas, 2) gardeners would be allowed to water at prescribed supervised times pending further results, 3) the City would begin the process to secure a consultant to conduct a comprehensive study that will provide a full characterization of the entire site (define the extent of the burn dump site, waste characterization study, health risk assessment and ecological screening assessment), and 4) City staff would report back to the community in August. Additionally, information updates from soil testing performed by Denise Duffy and the subconsultant, Lowney Associates, have been posted to the City's website under the Parks Recreation and Neighborhood Services page.

On June 29, 2005, a third community meeting was held to update the park users on the status of the soil sampling for the park, and to discuss the next steps. Analysis of the additional soil testing performed by Denise Duffy and the subconsultant, Lowney Associates, in June was completed. Based on preliminary feedback from the consultant, staff had concerns with the lead levels in the playground and in the community gardens. As a result of these concerns, staff took the additional precautions of indefinite suspension of activities in the community gardens, closure of the play lots, and has recommended completion of plans to conduct a full characterization of the site.

An information memo dated June 30, 2005 was sent to Council regarding site conditions at Watson Park. See attached.

Denise Duffy, using its subconsultant Lowney Associates, is performing additional soil sample testing in the dog park and tree bank area of Watson Park. The results from this testing will be shared with the public at the next meeting which is scheduled for late August 2005.

ANALYSIS

The testing and health risk appraisal completed to date indicates that further testing and evaluation of the site is needed. The information derived from this series of tests will be synthesized into a comprehensive presentation for dissemination at the follow-up meeting with the community in August.

The next step is to complete a characterization of the burn dump material to determine the vertical and lateral limits of the burn site. Additionally, this will establish what further site investigations and remedial actions may be required. Public Works has issued a request for proposal for a consultant to perform this work. Staff is recommending that the City Council authorize the Director of Public Works to select the consultant and to negotiate and execute a master consultant agreement with this consultant for a duration of up to 24 months from the date of execution in an amount not to exceed \$800,000. Selection of the consultant will be consistent with the Local Preference Ordinance, the "Qualifications Based Consultant Selection (QBCS) Policy For Architectural, Landscape Architectural, Engineering, Environmental, Land Surveying, and Construction Management Consultants," and all other applicable policies.

A master agreement will enable the City to complete the project in the most cost effective and timely manner. A master agreement with a consultant will allow the City to issue service orders for each phase of the work to be provided. Each service order details the specific scope of services, schedule and compensation, along with the appropriate funding source(s) for the project. Because a master agreement does not itself constitute an obligation for the City to have the consultant perform any work for which the City would need to pay compensation, it is not necessary to identify any funding prior to execution of the agreement.

Although staff is in the process of identifying funding to perform all of the work that will be necessary to perform a full waste characterization, only \$300,000 is currently available in the Parks Central Construction and Conveyance Tax Fund and the General Fund to begin this work. Staff intends to use this funding to issue the first service order for burn dump site investigation and characterization. When staff identifies additional funding, it will return to Council with the necessary appropriation action prior to issuing additional service orders.

OUTCOME

Approval of a resolution authorizing the Director of Public Works to select a consultant and negotiate and execute the master agreement for environmental consultant services for Watson Community Park will enable the City to significantly expedite the timeline for this project.

PUBLIC OUTREACH

Staff is conducting a consultant selection process that complies with the City's Qualifications Based Consultant Selection (QBCS) policy presently in effect.

In accordance with the QBCS policy, staff will negotiate the master agreement terms with the top ranked firm. The remaining interviewed consultants will be notified of their rankings and that staff is recommending the approval of the master agreement with the top ranked firm.

COORDINATION

This memo has been coordinated with the City Attorney's Office, the City Manager's Budget Office, and the Department of Planning, Building and Code Enforcement.

COST IMPLICATIONS

No funding is needed to approve this master agreement. Funds in the amount of \$300,000 are available in Parks Central Construction and Conveyance Tax Fund and the General Fund to begin the burn dump site investigation and characterization. Staff will return to Council to appropriate additional funding necessary to fund additional service orders.

BUDGET REFERENCE

Fund #	Appn. #	Appn. Name	Total Appn.	2005-2006 Proposed Capital Budget (Page)	Last Budget Action (Date, Ord. No.)*
001	6696	Watson Site Clean-up and Restoration	\$150,000	V - 492	MBA #60 6/21/05
390	4116	Unanticipated/Critical Repairs	\$235,000	V - 594	MBA #60 6/21/05
		Total	\$385,000		

* The 2005-2006 Adopted Capital Budget includes a \$150,000 rebudget for Watson Site Clean-up and Restoration and a \$35,000 rebudget for Unanticipated/Critical Repairs, both of which were approved by City Council on June 21, 2005.

HONORABLE MAYOR AND CITY COUNCIL

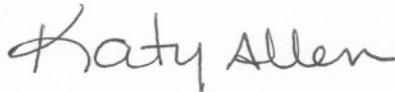
08-01-05

Subject: Master Agreement for Environmental Consultant Services for Watson Community Park

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CEQA

Exempt, File No. PP05-156.



KATY ALLEN

Director, Public Works Department



SARA L. HENSLEY

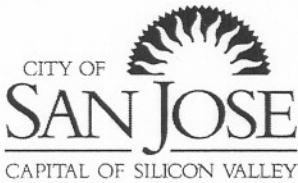
Director, Parks, Recreation and
Neighborhood Services Department



CARL W. MOSHER

Director, Environmental Services
Department

KJ:gr:rb



SENT TO COUNCIL:

Forwarded on:

JUN 30 2005

Memorandum
by Council Liaison's OfficeTO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Sara L. Hensley

SUBJECT: WATSON PARK UPDATE

DATE: 06-30-05

Approved

Date

6/30/05

INFORMATIONBACKGROUND

On May 2004, construction began on the Watson Skatepark. In June 2004, soil excavation uncovered burned refuse, and subsequent testing revealed various levels of soil contaminants (arsenic and lead). Consequently, construction was suspended and the site was covered with clean soil and gravel. In order to advise the community of the project's status, a community meeting was held in September 2004 to advise the community of the ultimate suspension of the project.

Discovery of the burned refuse and the levels of contaminants in the soil indicated that the City should do further testing. As a result, Lowney Associates was contracted in January 2005 to: 1) complete a site history, 2) conduct surface soil quality evaluation, and 3) prepare a screening level health risk appraisal.

The site history revealed that the site operated as a landfill and garbage burn site from 1900 to 1930, then served as either vacant land and/or agricultural lands until becoming a City park approximately 40 years ago. Since records on landfills in early years are not well kept and many current regulations were not in place at the time, the site was not listed in the solid waste landfill sites database. ESD has since reported the site to the Local Enforcement Agency and is now included in the State's database. The second round of testing found additional areas of the park with elevated levels of soil contaminants. The screening level health risk appraisal indicated no immediate human health risk to park visitors.

STATUS

A community meeting was held on May 25th to inform the community of the results and to enact the following precautions in and around the sites of concern: 1) the community gardens activities were suspended pending further testing for contaminants and assessing the clean cap between the surface and refuse, 2) a fence was erected around the soccer field at Jackson and 22nd Streets while turf renovation was being conducted, will remain up until further testing and proper mitigations are identified.

The following additional decisions were made to: 1) do further testing in the community in the community gardens, play lots, dog park, and tree bank, 2) allow the gardeners to water at prescribed supervised times pending further results, report back to the community in August, and 3) begin the process to secure a consultant to conduct a comprehensive study that will provide a full characterization of the entire site (define the extent of the burn areas and landfill, and contaminants and health risk assessment).

Outcomes of the Additional Testing to Community Gardens and Play Lots

The analysis of additional soil testing performed by Lowney Associates in May is not complete, however, based on early readings, we have concerns with the amount of lead at the playground and in the community gardens. As a result of these preliminary findings, staff is recommending indefinite suspension of activities in the community gardens, closure of the play lots, and completion of plans to conduct a full characterization of the site.

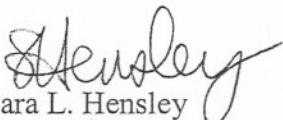
NEXT STEPS

Short Term

1. A community meeting was held June 29th at 6:30 p.m. at Empire Gardens School to inform the community about the preliminary results and to announce further actions.
2. Fencing will be erected around the play lots by July 1st.
3. A process for reimbursement of community garden fees and expenses will be established. Staff will meet with the gardeners in three weeks to commence this process. Staff will also assist displaced gardeners in finding and accessing other community garden opportunities.
4. The current consultant (Lowney Associates) will provide the balance of the test results by July 8th. In addition, the agreement with Lowney Associates will be amended to perform additional work necessary to complete the current phase of testing in the Dog Park and Tree Bank areas.
5. Upon receipt and review of the consultant's report, staff will meet with the Department of Toxic Substance Control (DTSC) to start dialogue regarding findings and interim actions taken and longer range plans for full study of the site.

Long Term

1. Staff will continue to maintain communication with the community via the communication plan established with them in May, i.e. SNI/NAC meetings, Northside Neighborhood Association website, etc.
2. Issue an RFP for a consultant to conduct a full characterization of the site in the next three months.


Sara L. Hensley
Director of Parks, Recreation and
Neighborhood Services